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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,375	09/30/2003	Robert Jones	P0887D	3229
23735 7590 04/11/2007 DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			EXAMINER WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/676,375	Applicant(s) JONES, ROBERT	
	Examiner Daniel I. Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-40 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 3-6, 10-13, 16-19, and 24-27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 7, 8, 9, 14, 15, 20, 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Berson et al. (US 5,502,304).

Re claim 1, Berson et al. teaches that a document (interpreted as a identification document since it provides information on it) has two or more printed image layers with different ink properties so that when illuminated in different bands they become detectable, the image layers arranged relative to each other to create a three dimensional effect when strobed with illumination in the illumination bands corresponding to the image layers (see FIG. 3 where when light is pulsed on the two image layers 60 and 65, apparent movement is effected relative to the two images).

Re claim 2, upper layer 65 is printed with invisible ink.

Re claim 7, the symbols are viewable when illuminated so the detection band is visible.

Re claim 8, the printed indicia of the document (FIG. 3) are interpreted as being associated with the bearer.

Re claim 14, the limitations have been discussed above re claim 1.

Re claim 15, the limitations have been discussed above re claim 2.

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Re claim 20, the limitations have been discussed above re claim 7.

Re claim 21, the limitations have been discussed above re claim 8.

Re claims 9, 22, and 23, the Examiner notes that the difference between the prior art and the claims is merely information set forth in the printed indicia, and there is no functional relationship between the indicia and the cad itself. Accordingly, this does not constitute a patentable difference (see *In re Gulack/Ngai*).

Allowable Subject Matter

2. Claims 28-40 are allowed.

3. Claims 3-6, 10-13, 16-19, and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach that the image layers are not human visible when illuminated in a human visible band (re claims 3, and 16), that the image layers depict an object and are interleaved so that when strobed different perspectives/positions and a 3d effect/movement are seen (re claims 10 and 24), that the image layers include segments of a machine readable code that when strobed becomes detectable in a composite image formed from the image layers (re claims 12 and 26), a method of making an identification document by generating image layers depicting an object from different perspectives and printing the image layers with inks having different properties such that when illuminated in different illumination bands, the ink layers become detectable in a detection band, the image layers being arranged relative to each other to

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create a three dimensional effect when strobed with illumination in the illumination bands corresponding to the image layers (re claim 28), a method of making a identification document by generating image layers depicting an object from different perspectives, printing the image layers with inks having different properties such that when the inks are illuminated in different illumination bands, the ink layers become detectable in a detection band, the image layers being arranged relative to each other to create a moving image effect when strobed with illumination in the illumination bands corresponding to the image layers (re claim 31), and a method of verifying an identification document comprising strobing an area on the document with illumination in different illuminating bands, the document including two or more image layers depicting an object in different positions or perspectives within the area, each of the layers being printed with inks having different illumination bands that cause the object to be detectable in a detection band and detecting a moving or three dimension effect of the object in the detection band caused by the strobing (re claim 37).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

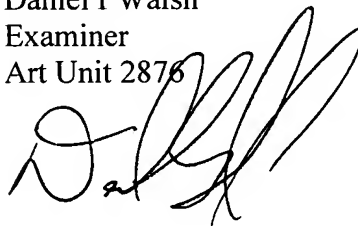
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh
Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'D. I. Walsh', with a large, stylized flourish at the end.

DANIEL WALSH
PRIMARY EXAMINER